



CITY CLERK DEPARTMENT
Long Beach, California

LARRY HERRERA
City Clerk

June 14, 2012

Sachi A. Hamai, Executive Officer
Los Angeles County
Board of Supervisors
500 W. Temple St., Room 383
Los Angeles, CA 90012

Dear Ms. Hamai:

On June 12, 2012, the Long Beach City Council adopted resolutions calling for a Special Municipal Election on November 6, 2012, for voters to consider approval of one (1) measure and requesting the Board of Supervisors to order consolidation of this citywide election with the Statewide General Election on November 6, 2012.

Enclosed for your Board's approval are certified copies of the following resolutions adopted by the City of Long Beach City Council on:

1. RESOLUTION NO. RES-12-0049 - Proposition A – Relating to minimum wages and sick leave payable to hotel workers;
2. RESOLUTION NO. RES-12-0050 - Requesting Board of Supervisors Approval Authorizing and Ordering Consolidation of the Citywide Special Municipal Election with the State General Election on November 6, 2012; and
3. RESOLUTION NO. RES-12-0051 – Requesting the Rendering of Specified Services to the City.

Please contact Poonam Davis, Elections Bureau Manager at (562) 570-7479 should you have any questions.

Sincerely,

Larry Herrera
City Clerk

Enclosures

cc: Dean Logan
Registrar-Recorder/County Clerk
County of Los Angeles
12400 Imperial Hwy.
Norwalk, CA 90651-1024

Alex Olvera
Election Planning Section
Registrar-Recorder/County Clerk
12400 Imperial Hwy.
Norwalk, CA 90651-1024

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

52 July 3, 2012

SACHI A. HAMAI
EXECUTIVE OFFICER

ADMINISTRATIVE DIVISION

Monique De La Garza
Administrative Officer

ELECTIONS BUREAU

Poonam Davis
City Clerk Bureau Manager

LEGISLATIVE BUREAU

Merianne Nakagawa
City Clerk Bureau Manager

RESOLUTION NO. RES-12-0049

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ORDERING, CALLING AND
PROVIDING FOR AND GIVING NOTICE OF A SPECIAL
MUNICIPAL ELECTION TO BE HELD IN THE CITY OF
LONG BEACH ON TUESDAY, THE 6th DAY OF
NOVEMBER, 2012, FOR THE PURPOSE OF SUBMITTING
A BALLOT PROPOSITION TO A VOTE OF THE
QUALIFIED ELECTORS OF THE CITY

NOW, THEREFORE, the City Council of the City of Long Beach resolves as
follows:

Section 1. Under the provisions of the Constitution and laws of the State
of California and the Charter of the City of Long Beach, a Special Municipal Election is
ordered, proclaimed and called to be held in the City of Long Beach between the hours of
7:00 a.m. and 8:00 p.m. on Tuesday, the 6th day of November, 2012, for the purpose of
submitting to a vote of the qualified electors of the City of Long Beach the following
proposition which, for identification purposes only, is marked as Proposition A.

Proposition A

Shall the ordinance which establishes minimum wages and
minimum sick leave payable to hotel workers, be adopted?

Section 2. Notice is hereby given of the time and place of the election.
The City Clerk is directed and authorized to print and publish the proposition as required
by law. All particulars not provided in this resolution shall be held under the provisions of
law governing the conduct of such elections in the City of Long Beach.

Section 3. The proposition shall be stated as provided in Section 13119

of the Elections Code of the State of California. The ballot used in voting upon the proposition shall contain the words "yes" and "no". The text of Proposition A is set forth in full in Exhibit "A".

Section 4. That only qualified voters of the City of Long Beach shall be permitted to vote in the election called by this resolution.

Section 5. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of June 12, 2012, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, O'Donnell, Schipske,
Andrews, Johnson, Gabelich, Neal.

Noes: Councilmembers: None.

Absent: Councilmembers: DeLong.

CERTIFIED AS A TRUE AND CORRECT COPY

Shang G. Chen
CITY CLERK OF THE CITY OF LONG BEACH

BY Hegarty

DATE: 6/13/12

Light

City Clerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING SECTION 5.48.020
RELATING TO MINIMUM WAGES AND SICK LEAVE
PAYABLE TO HOTEL WORKERS

The People of the City of Long Beach do ordain as follows:

Section 1. Section 5.48.020 of the Long Beach Municipal Code is added
to read as follows:

A. Each hotel employer shall pay hotel workers a wage of not
less than the hourly rates set forth in this section. The rate upon enactment
shall be thirteen dollars (\$13.00) per hour worked. This rate shall be
adjusted by the amount of increases in the federal minimum wage over the
amount in effect on December 31, 2011, or, if greater, by the cumulative
increase in the cost of living. The cost of living increase shall be measured
by the percentage increase as of December 31 in any year over the level as
of December 31, 2011 of the Consumer Price Index (All Urban Consumers,
Los Angeles-Riverside-Orange County) as published by the Bureau of
Labor Statistics, U.S. Department of Labor or the successor index or federal
agency. If in any calendar year there is no increase in the federal minimum
wage and the increase in the Consumer Price Index is less than two
percent (2%), then the rate shall be adjusted by an increase of two percent
(2%). The mayor or the city agency designated by the mayor shall publish
a bulletin by April 1 of each year announcing the adjusted rates, which shall
take effect the following July 1. Such bulletin will be made available to all

1 hotel employers and to any other person who has filed with the mayor or
2 the designated agency a request to receive such notice but lack of notice
3 shall not excuse noncompliance with this section. A hotel employer shall
4 provide written notification of the rate adjustments to each of its hotel
5 workers and make the necessary payroll adjustments by July 1 following
6 the publication of the bulletin. Tips or gratuities received by hotel workers
7 and service charges or commissions shall not be credited as being any part
8 of or offset against the wage rates required by this section.

9 B. Service charges shall not be retained by a hotel employer but
10 shall be paid in the entirety by the hotel employer to the hotel worker(s)
11 performing services for the customers from whom the service charges are
12 collected. No part of these amounts may be paid to supervisory or
13 managerial employees. The amounts shall be paid to the hotel worker(s)
14 equitably and according to the services that are or appear to be related to
15 the description of the amounts given by the hotel employer to the
16 customers. The amounts shall be paid to the hotel worker(s) in the next
17 payroll following collection of an amount from the customer. Without
18 limitation of the foregoing:

19 1. Amounts collected for banquets or catered meetings
20 shall be paid equally to the hotel worker(s) who actually work the banquet
21 or catered meeting; and

22 2. Amounts collected for room service shall be paid to the
23 hotel worker(s) who actually deliver food and beverage associated with the
24 charge.

25 3. Amounts collected for portage service shall be paid
26 to the hotel worker(s) who actually carry the baggage associated with the
27 charge.

28 This subsection does not apply to any tip, gratuity, money, or

1 part of any tip, gratuity, or money that has been paid or given to or left for a
2 hotel worker by customers over and above the actual amount due for
3 services rendered or for goods, food, drink, or articles sold or served to the
4 customer.

5 C. An hotel employer shall pay every hotel worker sick pay out of
6 the employer's general assets as follows:

7 1. At least five compensated days off per calendar year
8 for sick leave at the hotel worker's request. The hotel worker need not
9 present certification of illness to claim compensated time off, provided that
10 such hotel worker has accrued the requested days of compensated time at
11 the time of the request. A hotel worker shall be paid his or her normal daily
12 compensation for each compensated day off;

13 2. A hotel worker shall accrue 5/12 of a day of
14 compensated time for each full month in a calendar year that the hotel
15 worker has been employed by the hotel employer. A hotel worker is entitled
16 to use any accrued days of compensated time as soon as those days have
17 accrued;

18 3. If any hotel worker has not utilized all of his or her
19 accrued compensated time by the end of any calendar year, the hotel
20 employer shall pay that hotel worker a lump sum payment at the end of the
21 calendar year equivalent to the compensation due for any unused
22 compensated time.

23 D. The provisions of this section may not be waived by
24 agreement between an individual hotel worker and a hotel employer. All of
25 the provisions of this section, or any part hereof, may be waived in a bona
26 fide collective bargaining agreement, but only if the waiver is explicitly set
27 forth in such agreement in clear and unambiguous terms. Unilateral
28 implementation of terms and conditions of employment by either party to a

collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this section. A hotel employer shall not discharge, reduce the compensation of or otherwise discriminate against any hotel worker for using any civil remedies to enforce this section or otherwise asserting his or her rights under this section.

E. A hotel worker claiming violation of this section may bring an individual or class action against his or her employer in Superior Court to enforce the provisions of this section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including but not limited to lost compensation, damages, reinstatement or injunctive relief. A hotel worker who prevails in any action to enforce this section shall be awarded his or her reasonable attorney's fees and costs.

F. If any provision of this section is declared illegal, invalid or inoperative, in whole or in part, by the final decision of any court of competent jurisdiction, the remaining provisions and all portions not declared illegal, invalid or inoperative shall remain in full force or effect, and no such determination shall invalidate the remaining provisions or portions of the provisions of this section.

G. Definitions:

1. "*Compensation*" includes any wages, tips, bonuses, and other payments reported as taxable income paid by the hotel employer to the hotel worker.

2. "*Hotel*" means a residential building that is designated or used for lodging and other related services for the public, and containing 100 or more guest rooms, or suites of rooms.

3. "*Hotel*" also includes any contracted, leased, or sublet premises connected to or operated in conjunction with the building's

1 purpose, or providing services at the building.

2 4. "Hotel employer" means a person who owns, controls,
3 and/or operates a hotel in the City of Long Beach, or a person who owns,
4 controls, and/or operates any contracted, leased, or sublet premises
5 connected to or operated in conjunction with the hotel's purpose, or a
6 person, other than a hotel worker, who provides services at the hotel.

7 5. "Hotel worker" means any individual (1) whose primary
8 place of employment is at a one or more hotels and (2) who is employed
9 directly by the hotel employer or by a person who has contracted with the
10 hotel employer to provide services at the hotel.

11 6. "Person" means an individual, corporation, partnership,
12 limited partnership, limited liability partnership, limited liability company,
13 business trust, estate, trust, association, joint venture, agency,
14 instrumentality, or any other legal or commercial entity, whether domestic or
15 foreign.

16 7. "Service charge" means all separately-designated
17 amounts, regardless of name or label, that are added to the base charge for
18 food or beverages, banquets, portorage or parking services and collected
19 by a hotel employer from customers, except taxes and fees levied by
20 federal, state or local government.

21
22 Section 2. If a majority of the voters voting on the proposed ordinance
23 vote in its favor, the ordinance shall become a valid and binding ordinance of the City.
24 The ordinance shall be adopted upon a declaration of the result of such ballot by the City
25 Council, and it shall take effect ten (10) days after that date.

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RESOLUTION NO. RES-12-0050

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH REQUESTING THE BOARD OF
SUPERVISORS OF THE COUNTY OF LOS ANGELES TO
AUTHORIZE AND ORDER THE CONSOLIDATION OF A
CITYWIDE SPECIAL MUNICIPAL ELECTION WITH THE
STATEWIDE GENERAL ELECTION TO BE HELD
NOVEMBER 6, 2012, AND DETERMINING AND
DECLARING THAT THE CITY WILL PAY TO THE COUNTY
REASONABLE AND ACTUAL EXPENSES INCURRED BY
THE COUNTY ON ACCOUNT OF THE CONSOLIDATION
OF THIS ELECTION

WHEREAS, the City Council of the City of Long Beach has called a Special
Municipal Election pursuant to Elections Code 9215(b) to be held on November 6, 2012;
and

WHEREAS, it is desirable that this Special Municipal Election be
consolidated with the statewide General Election to be held on the same date and that
the precincts, polling places and election officers for all the elections be the same within
the City and that the Board of Supervisors canvass the returns of this Special Municipal
Election and that the statewide General Election and the Special Municipal Election be
held in all respects as if there were only one election;

NOW, THEREFORE, the City Council of the City of Long Beach does
resolve, determine and order as follows:

Section 1. On May 22, 2012, the City Council of the City of Long Beach
ordered to be held a Special Election on November 6, 2012, for the purpose of submitting
to a vote of qualified electors the following proposition:

1 Initiative ordinance to establish minimum wages and minimum sick leave payable
2 to hotel workers.

3 Section 2. That the Board of Supervisors of the County of Los Angeles is
4 requested to authorize and order the consolidation of the Special Municipal Election with
5 the statewide General Election to be held in the State of California on November 6, 2012,
6 according to the provisions of the Elections Code of the State of California; and the Board
7 of Supervisors is authorized and further requested by the City Council to canvass the
8 returns of the Special Municipal Election or to cause the returns to be canvassed by the
9 Registrar-Recorder/County Clerk, all as prescribed in the Elections Code.

10 Section 3. The City Council determines and declares that the City will
11 pay to the County the reasonable and actual expenses incurred by the County by the
12 consolidation of the Special Municipal Election with the statewide General Election. The
13 City Manager of the City of Long Beach is authorized and directed to pay for the
14 expenses incurred after receiving a statement from the County of Los Angeles.

15 Section 4. That the City Clerk is authorized and directed to transmit a
16 certified copy of this resolution to the Board of Supervisors of the County of Los Angeles
17 and the Registrar-Recorder/County Clerk , along with a copy of the resolution calling the
18 Special Municipal Election.

19 Section 5. This resolution shall take effect immediately upon its adoption
20 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of June 12, 2012, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, O'Donnell,
Schipske, Andrews, Johnson,
Gabelich, Neal.

Noes: Councilmembers: None.

Absent: Councilmembers: DeLong.


City Clerk

CERTIFIED AS A TRUE AND CORRECT COPY


CITY CLERK OF THE CITY OF LONG BEACH

BY 
DATE: 6/13/12

RESOLUTION NO. RES-12-0051

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH, CALIFORNIA, REQUESTING THE
BOARD OF SUPERVISORS OF THE COUNTY OF LOS
ANGELES TO RENDER SPECIFIED SERVICES TO THE
CITY RELATING TO THE CONDUCT OF A SPECIAL
MUNICIPAL ELECTION TO BE HELD ON TUESDAY,
NOVEMBER 6, 2012

WHEREAS, a Special Municipal Election is to be held in the City of Long
Beach, California on November 6, 2012; and

WHEREAS, in the course of conduct of these elections, it will be necessary
to mail sample ballots and polling place information to the registered voters of the City,
and it will facilitate such mailing if the Registrar-Recorder/County Clerk of the County of
Los Angeles will make available to the City the computer record of the names and
addresses of all eligible registered voters in order that labels may be printed for attaching
to self-mailer sample ballot pamphlets; and

WHEREAS, all necessary expenses in performing this service shall be paid
by the City of Long Beach.

NOW, THEREFORE, the City Council of the City of Long Beach resolves as
follows:

Section 1. That pursuant to the provisions of Section 10002 of the
Elections Code of the State of California, the City Council requests the Board of
Supervisors of the County to permit the Registrar-Recorder/County Clerk to provide all
services necessary for the lawful and effective conduct of the special election to be held
on November 6, 2012, and make available to the City additional assistance according to
state law.

Section 2. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

Section 3. That the City Clerk is hereby directed to forward without delay to the Board of Supervisors and to the Registrar-Recorder/County Clerk, each a certified copy of this resolution.

Section 4. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of June 12, 2012, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, O'Donnell,
Schipske, Andrews, Johnson,
Gabelich, Neal.

Noes: Councilmembers: None.

Absent: Councilmembers: DeLong.

Lauren
City Clerk

CERTIFIED AS A TRUE AND CORRECT COPY

Lauren
CITY CLERK OF THE CITY OF LONG BEACH

BY: Regina

DATE: 6/13/12